

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DONALD TRIMBLE,

Plaintiff,

vs.

LELAND DUDEK, Acting  
Commissioner of Social Security,

Defendant.

8:23-CV-161

MEMORANDUM AND ORDER

This matter is before the Court upon the plaintiff's Motion for Attorney Fees pursuant to [42 U.S.C. § 406\(b\)](#). Filing 29. In a previous order, the Court awarded the plaintiff fees and expenses pursuant to the Equal Access to Justice Act, [28 U.S.C. § 2412\(d\)](#). Filing 28. Now before the Court is the plaintiff's motion for \$31,131.00 in attorney fees pursuant to § 406(b). The defendant does not oppose the awarding of fees in that amount which represents plaintiff's counsels' estimated share of 25 percent of the plaintiff's award of past due benefits, provided that the lesser of the two fee awards is refunded to the plaintiff. Filing 32.

The Court, being fully advised in the premises, finds that the amount of fees requested is fair and reasonable. Accordingly, the Court will grant the plaintiff's motion and award the requested fees. The Court will further direct the plaintiff's counsel to refund the EAJA award to the plaintiff.

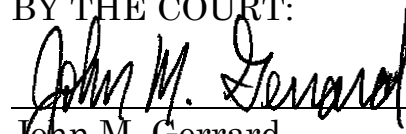
IT IS ORDERED:

1. The plaintiff's Motion for Award of Attorney Fees pursuant to [42 U.S.C. § 406\(b\)](#) (filing 29) is granted.

2. By separate document, the Court shall enter judgment for the plaintiff and against the defendant providing that the plaintiff is awarded attorney fees of \$31,131.00.
3. That sum shall be sent to plaintiff's counsel, Mr. Cuddigan, who shall be responsible for refunding the fee award under the Equal Access to Justice Act to the plaintiff and remitting to Mr. Kappelman his portion of the award.

Dated this 1st day of May, 2025.

BY THE COURT:

A handwritten signature in black ink, appearing to read "John M. Gerrard", is written over a horizontal line.

John M. Gerrard  
Senior United States District Judge